

REMARKS

This amendment is submitted in response to the Office action mailed on November 2, 2004. Claims 1-14 are pending in this application. In the Office Action, Claims 1-14 are rejected under 35 U.S.C. §102 and Claim 9 is objected to. In response Claims 1, 4-6 and 9 have been amended. Claim 2 has been cancelled without prejudice or disclaimer. These amendments do not add new matter. In view of the amendments and/or for the response set forth below, Applicant respectfully submits that the rejection should be withdrawn.

In the Office Action, the Specification was objected to because of several typographical errors. The Specification has been amended accordingly and the Applicant respectfully submits that the objections have been overcome. Similarly, Claim 9 was objected to because of a minor typographical error. Applicant has amended Claim 9 to include the word "tablet." Therefore, Applicant respectfully submits that the objection to Claim 9 has been overcome.

In the Office Action, Claims 1-14 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,753,805 to Cherukuri et al. ("*Cherukuri*"). Applicant respectfully disagrees with and traverses these rejections for at least the reasons set forth below.

Applicant has amended independent Claims 1 and 9 to include a chewing gum-containing tablet characterized in that the average particle size of the gum base and the tablet base is from 20 to 160 microns. The amendments as discussed above are supported in the specification, for example, on page 2. Applicant has also amended Claims 4-6 to properly depend from amended Claim 1.

Contrary to the presently claimed invention, *Cherukuri* fails to disclose or suggest a chewing gum-containing tablet where the particle size is from 20 to 160 microns. *Cherukuri* teaches a particle size of about 4 to about 30 mesh (i.e., about 595 to about 4760 microns according to the ASTM E-11-61 standard for wire sieves). See, *Cherukuri*, column 4, line 12. Furthermore, *Cherukuri* teaches away from using a particle size of less than 30 mesh (i.e., 595 microns) due to the inability to compact well in the tableting process. See, *Cherukuri*, column 4, line 18-19.

For the reasons discussed above, Applicant respectfully submits that Claims 1 and 9 and Claims 3-8 and 10-14 that depend respectively therefrom are novel, non-obvious and distinguishable from the cited reference.

Accordingly, Applicant respectfully requests that the rejection of Claims 1-2 and 4-14 under 35 U.S.C. §102(b) be withdrawn.

For the foregoing reasons, Applicant respectfully requests reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY



Robert M. Barrett
Reg. No. 30,142
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (312) 807-4204

Dated: February 2, 2005